

EXHIBIT "D"

At an IAS Part ^{NT} of the
Supreme Court of the
State of New York, held
in and for the County of
Kings, at the Courthouse,
360 Adams Street,
Brooklyn, New York, on
the 24th day of
October, 2007

P R E S E N T:

HON. DAVID I. SCHMIDT,

Justice.

-----X
ARTHUR A. BOOR and JOANNE BOOR,

Plaintiffs,

-against-

BNC MORTGAGE, INC.,

Defendant.
-----X

BNC MORTGAGE, INC.,

Third-Party Plaintiff,

-against-

JEFFREY ALLI, PARBATI JAIKARAN a/k/a
PAUL JACARAIN a/k/a PAUL JAIKARAN,
and MATTEO PATISSO d/b/a
NEW MILLENNIUM CAPITAL,

Third-Party Defendants.
-----X

Upon the annexed Emergency Affirmation of Neil A. Miller,
Esq. dated October 24, 2007, the annexed affirmation of
Christopher Rosado, Esq. dated October 24, 2007, the exhibits
annexed hereto, the affirmation of good faith of Christopher

Rosado, Esq. dated October 24, 2007, and upon all of the
pleadings and proceedings heretofore had herein, it is

ORDERED, that plaintiffs Arthur Boor and Joanne Boor, and
third-party defendant Matteo Patisso d/b/a Millennium Capital
show cause before this Court, before the Honorable Justice I

JAS PART NJ (RM 541)
at the Courthouse located at 360 Adams Street,

→ Brooklyn, New York, on the 7 day of Nov, 2007, at
9:30 a.m., or as soon thereafter as counsel can be heard, why an
order should not be entered:

a. Pursuant to pursuant to CPLR 3126, striking the answer
of third-party defendant Matteo Patisso d/b/a New Millennium
Capital ("New Millennium") as a result of New Millennium's
willful failure to provide the documents demanded in third-party
plaintiff BNC Mortgage Inc.'s ("BNC") Notice of Discovery and
Inspection dated September 21, 2007 (the "Document Demands"); or
in the alternative deeming resolved, for purposes of the action,
in favor of BNC all issues to which the information sought in the
Document Demands relate; or in the alternative prohibiting New
Millennium from introducing any evidence in support of its
defenses or counterclaims and in opposition to any of BNC's
claims;

b. pursuant to CPLR 3212, granting summary judgment against
plaintiffs:

1. on BNC's second counterclaim, in the event

plaintiffs are successful in this action in invalidating the recorded mortgage held by BNC on the real property known as 483 Berriman Street, Brooklyn, New York, identified on the tax map of the City of New York, County of Kings as Block 4454, Lot 52 (the "Premises"), declaring that BNC has an equitable lien upon the Premises, in the amount of \$26,831.84, plus interest at the rate of 9% per annum from February 24, 2004;

2. dismissing the demand in the amended complaint for damages, whether compensatory or punitive, and attorney's fees; and

c. granting such other and further relief as to the Court seems just and proper.

SUFFICIENT CAUSE APPEARING THEREFOR, it is

STAY
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JSC
ORDERED, that pending the hearing ~~and determination~~ of this motion, ~~and the further order of the Court~~, the trial of this action, presently scheduled for November 13, 2007, is hereby stayed; and it is further

ORDERED, that service of a copy of this Order to Show Cause, together with the papers upon which it is based, upon Irving Levine, Esq., attorney for plaintiffs, at ~~291 Broadway, Suite 1100, New York, New York 10007~~, pursuant to CPLR 2103(b)(1), (2), (3) or (6), and upon Steven Rosenberg, Esq., attorney for Third-Party Defendant Matteo Patisso d/b/a New Millennium Capital, ~~at 142 Mineola Avenue, Suite 3B, Roslyn Heights, New York 11577~~, and any other party entitled to notice

SELECT METHOD!

METHOD



pursuant to CPLR 2103(b)(1), (2), (3) or (6), on or before the
2 day of NOV, 2007, shall constitute good and
sufficient service.

ENTER :

J.S.C.

CERTIFICATION PURSUANT TO
22 NYCRR PART 130-a:

CHRISTOPHER ROSADO, ESQ.

RON. DAVID I. SCHMIDT